

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 22 AUG 1994

APPLICATION NUMBER: 993 of 1994.

APPLICANTS:

RESPONDENTS:

Sri.S.Chandrasekhar v/s. The Registrar General, New Delhi and another.
To.

1. **Sri.M.Raghavendrachar, Advocate, No.1074 & 1075,
Fourth Cross, Srinivasanagar, Second Main,
Bangalore-560 050.**
2. **Sri.G.Shanthappa, Addl. Central Govt. Stng. Counsel,
High Court Building, Bangalore-560001.**

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 04-08-94.

Issued on

22/08/94

o/c
for *S. Shanthappa*
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.993/1994

THURSDAY, THIS THE 4TH DAY OF AUGUST, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI T.V. RAMANAN .. MEMBER (A)

S. Chandrasekhar,
S/o. Siddappa,
Aged 30 years,
Working as L.D.C.,
O/o the Census Department,
No.21/1, Mission Road,
Bangalore - 560 027. .. Applicant

(By Advocate Shri M.R. Achar)

Vs.

1. The Registrar General,
O/o the Registrar General of India,
No.2A, Mansingh Road,
New Delhi.
2. The Joint Director,
O/O the Census Operation in Karnataka,
No.21/1, Mission Road, Bangalore-27. .. Respondents

(By Advocate Shri G. Shanthappa,
Central Govt. Addl. Stg. Counsel)

ORDER

Shri Justice P.K. Shyamsundar, Vice Chairman :

We have heard Shri Achar for the applicant and Shri G. Shanthappa, the standing counsel on behalf of the respondent department.

2. The applicant was appointed as a Lower Division Clerk by an order dated 1.2.1991 in the pay scale of Rs.950-1500/-. He was selected from amongst the several candidates sponsored by the Employment Exchange, apparently, at the request of the department. The order makes it clear the appointment is temporary and that he is also under probation for a period of two years. By an impugned order dated 30.6.1994 at Annexure-A2, the applicant's services were terminated under the proviso to sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 by giving one



month's notice pay. The applicant appeared before us on the 6th July, 1994, *inter alia*, bringing the motion for stay. We did not grant the stay since the impugned order (Annexure-A2) mentioned the services of the applicant ^{were} being terminated with immediate effect, but, communicated that we would hear and dispose of the application. Accordingly, this matter was brought up for today after notice to the other side which also filed its objections. In the objections, it is contended that the appointment was temporary and liable to be terminated at any time without assigning any reason by giving one month's notice or by payment of one month's pay and allowances in lieu of the notice period. The reason for termination was that the post was to be filled up regularly by the Staff Selection Commission and in so far as the applicant was concerned, it had been made by another channel and it was found appropriate to terminate the applicant's services. Although, the post itself was available and, what is more, work was there to be done in the office. We are however, told at the bar by the learned standing counsel that S.S.C. process for recruiting an L.D.C. has not been initiated so far, by the department.

3. Be that as it may, in the objection statement, it is mentioned in para 2 thereof that the vacancy is there as also the work, but, it is to be filled through the S.S.C. If the vacancy is there and the work has to be done, it is surprising the department should take recourse to termination of the services of the applicant without even initiating action to fill this post through the S.S.C. In fact, the information now given to us at the bar indicates that no action has so far been taken to initiate the process of recruitment through the S.S.C. Under the circumstances, there is absolutely no reason whatsoever at all to ~~have~~ terminated the services of the applicant who was discharging his duties to the satisfaction of the department. What is more, as admitted in the objection statement, the post itself was available and along with it, there was work to be done. No audit objection, nothing whatsoever. It seems the order of termination of

the applicant's services purely whimsical and appears to have been done without consideration for the efficiency of the administration. The impugned order is totally outrageous and is absolutely liable to be struck down. It is, therefore, we allow this application quashing the impugned order at Annexure-A2 treating the applicant being in service without any break. We direct that the applicant be put back in service as L.D.C. The applicant will continue until the post is filled up regularly either by the S.S.C. or by reversion of somebody else from a higher post, should such a situation arise, in which event, the applicant will have to make way. During the intervening period between termination and reinstatement, the applicant will be treated as having remained on duty with all the benefits to which he is entitled to including all consequential benefits flowing therefrom. Necessary orders shall be passed immediately and at any rate not later than one week from this date. No costs.

Sd-
(T.V. RAMANAN)
MEMBER (A)

Sd-
(P.K. SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY

Sd- Shantak
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
22/8